

Remarks

Claims 1-27 remain pending and no new amendments have been requested. Reconsideration of the application and the claims are requested. This communication constitutes a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and is in no way meant to acquiesce to the substance of the rejections.

For explanatory purposes, applicants discuss herein one or more differences between the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied references correspond to the claimed invention.

Claims 25-26 were rejected under 35 U.S.C. 103 as being unpatentable over Aburai (U.S. publication No. 0, 090,953) in view of Kowaguchi (U.S. Patent No. 6,201,973), and in further view of Tomoike (U.S. Patent No. 6,233,447). It is respectfully submitted that these claims are not rendered obvious in view of the applied references for the reasons explained below.

Claim 25 depends on method claim 1. The step in claim 1 of preventing activation of the audible incoming call indicator in the communication device while the communication device is within the one of the one or more designated geographical areas is further defined in claim 25. The communication (mobile) device receives an indication from the infrastructure that the one of the designated geographical areas comprises a high traffic area. While the communication device is within a high traffic area, activation of the audible incoming call indicator is prevented. It will be noted that the communication device receives an indication from the infrastructure that it is in a high traffic area.

It was acknowledged in the Office Action that Aburai in view of Kowaguchi does not teach the steps defined in claim 25. Tomoike was alleged to teach the steps recited in claim 25. Tomoike is directed to a mobile communication system which can restrict incoming calls to a mobile medication exchange during times of traffic congestion and can eliminate wasteful processing for connecting a path to a restricted exchange. When a call is requested to be placed to a mobile being served by an exchange having high traffic congestion, the call set-up request is routed to a location register located in the infrastructure. The location register, having been previously notified that the destination exchange (the exchange supporting the called party mobile) has high traffic congestion, causes the call process and call paths to be interrupted thereby eliminating a path connection that would have been typically set up between the originating exchange and the destination exchange, and eliminating processing of the call request by the destination exchange. See Tomoike: Abstract and figure 2.

Tomoike at col. 2, line 59 - col. 3, line 2 was cited as teaching that the infrastructure provides the communication device with an indication that it is in a high congestion area as required in accordance with claim 25. This portion of Tomoike explains that the location register in the infrastructure obtains traffic congestion information about each mobile communication exchange. A call request to a mobile served by an exchange with high traffic congestion will cause the call request to be interrupted based on the information contained in the infrastructure's location register and the call request will not be routed to the traffic congested exchange serving

the destination mobile. See figure 2 of Tomoike. A request for call termination 29 will be not forwarded to the destination exchange serving the called party mobile unless the destination exchange is free of traffic congestion. Thus, the cited portion of Tomoike does not provide a teaching of the requirements of claim 25 since there is no suggestion that the congestion information or a signal associated with the congestion information is communicated to a mobile being served by the congested exchange.

In fact, Tomoike teaches away from such the requirement of claim 25 since the very purpose of Tomoike is to a eliminate further loading of a traffic congested exchange by preventing a path being set up to the congested exchange as part of the call set-up request. A general objective of Tomoike is to not place a heavier load on the congested exchange during times of congestion. This would lead one of ordinary skill in the art away from any consideration of communicating congestion information from the exchange to a served mobile since such a communication would inherently increase the load on the already congested exchange.

Therefore, claim 25 is not rendered obvious based on the applied combination of references. Withdrawal of the rejection of claim 25 is requested.

Claim 26 depends on claim 1 and further defines the step of preventing an outgoing call from the communication device while the communication device is within a designated geographical area. More specifically, it provides that the communication device receive an indication from the infrastructure that the designated geographical area comprises a high traffic area. Outgoing calls from the communication device is prevented while the communication device is within the high traffic area.

Claim 26 is not rendered obvious based on the applied combination of references since the reference (Tomoike) relied upon as teaching the required steps of claim 26 does not provide the teaching as alleged for the same reasons explained above with regard to claim 25. The same portion of Tomoike is cited as supporting the rejection of claim 26 as the portion of Tomoike cited with regard to claim 25. This section has been explained above, and does not support the teachings alleged.

Further, claim 26 is directed to outgoing calls from the communication device. Tomoike, as shown in figure 2, is directed to alleviating traffic congestion at the exchange serving a destination mobile with regard to incoming calls. The cited portion of Tomoike is not directed to and does not support teachings related to outgoing calls from a communication device that must traverse and exchange that may be congested. Thus, claim 26 is not rendered obvious based on the applied combination of references.

Claim 27 was rejected and 35 U.S.C. 103 as being a patentable over Aburai in view of Kowaguchi, da Silva, and Tomoike. It was acknowledged in the office action that the first three references do not teach the requirements of claim 27. Tomoike was cited and alleged to provide these teachings. Claim 27 includes the steps of transmitting to the communication device location information of a high traffic area wherein the use of audible incoming call indicators is restricted. It also requires transmitting to the communication device location information of a

11

LUC-309/Akhterzzaman 37-34-21

second high traffic area wherein outgoing calls are restricted. As explained above with regard to claim 25, Tomoike does not provide information to the communication device to define restricted areas/conditions. Tomoike seeks to minimize traffic load for congested mobile exchanges and hence would cause one of ordinary skill in the art not to consider placing a further load on a congested exchange by requiring the congested exchange to convey further information to the supported mobile devices. Further, one would not be led to combine the teachings of Tomoike with the other applied references as suggested in the Office Action since the teachings of Tomoike would be antithetical to the suggested combination.

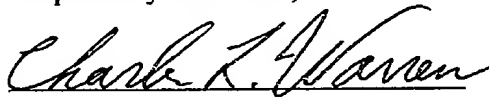
Therefore, claim 27 is not rendered obvious in view of the applied references.

The withdrawal of the rejections of claims 25-27 is respectfully sought.

Pursuant to MPEP 706.07(c), it would be inappropriate to make an Office Action final should new references be applied in support of a rejection of claims 25, 26 or 27 since Applicants have made no amendments to these claims to necessitate such a change of position. Since the last office action was made final, the application of new prior art in view of no new amendments to the claims by Applicants should be made in a non-final office action.

If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney Charles L. Warren, Reg. No. 27,407.

Respectfully submitted,



Charles L. Warren
Attorney for Applicant
Reg. No. 27,407

Dated: June 19, 2004

PATTI & BRILL, LLC
Customer Number 32205